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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,281	04/13/2004	Chin-Kai Sun	10114071	4572
34283	7590	,09/21/2006	EXAMINER	
QUINTERO LAW OFFICE 1617 BROADWAY, 3RD FLOOR SANTA MONICA, CA 90404			PORTIS, SHANTELL L	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/823,281		SUN ET AL.	
	Examiner		Art Unit	
	Shantell Portis		2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/13/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed July 13, 2006 have been fully considered but they are not persuasive. The applicant amended claims 1 and 15 to further claim ***the battery is rotated along the first engaging portion to a predetermined position***. The applicant argues that the battery 102 is not rotated along the raised area 200 to a predetermined position by means of the raised area 200 and catch 400 to fix the battery on the body. The examiner identifies the battery 102 as maintained in the engaging/disengaging position and ***rotated*** about the hooked end 404 (catch 400 includes hooked end 404). Once the front surface 146 of the battery 102 is in juxtaposition with the rear surface 120 of the portable radiotelephone 100 and the hooked end 404 is engaged to the notch 206 of the raised area 200, the battery is then considered to also be rotated along the raised area 200. (See Weissshappel, Col. 5, lines 30-49; Col. 11, lines 58-63 and Figures 2 & 4). Based on the above remarks, Weissshappel taken alone meets the limitations of the invention as presently claimed. The rejections are set forth below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 7,11,14-18, 21 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Weissshappel et al. (Weissshappel), U.S. Patent No. 6,141,569.

Regarding Claims 1 and 15, Weissshappel discloses a mobile phone (portable radiotelephone 100) and a device for fixing a battery of an electric apparatus comprising: a body including a first engaging portion (raised area 200); and a battery (battery 102) including a second engaging portion (catch 400), wherein the battery is rotated along the first engaging portion to a predetermined position by means of the first engaging portion and the second engaging portion and is thereby fixed on the body (Col. 5, lines 30-49; Col. 11, lines 58-63 and Figure 2 & 4).

Regarding Claims 2 and 16, Weissshappel discloses the mobile phone as claimed in claim 1 and the device as claimed in claim 15, wherein the first engaging portion is a groove (raised area 200), and the second engaging portion is a protrusion (the catch 400) sliding in the groove (Col. 3, line 61-Col. 4, line 4 and Figures 2, 4 & 5).

Regarding Claims 3 and 17, Weissshappel discloses the mobile phone as claimed in claim 2 and the device as claimed in claim 16, wherein the body further includes a notch for inserting the protrusion into the groove (Col. 5, lines 30-42).

Regarding Claims 4 and 18, Weissshappel discloses the mobile phone as claimed in claim 1 and the device as claimed in claim 15, wherein the body further includes a first fixed assembly (right and left receptacles 300, 302), the battery further includes a first fixed portion (cylindrical prong 420) corresponding to the first fixed assembly, and

the battery is positioned on the body by the first fixed assembly and the first fixed portion (Col. 5, line 65-Col. 6, line 12 and Figures 3 & 4).

Regarding Claims 7 and 21, Weissshappel discloses the mobile phone as claimed in claim 4 and the device as claimed in claim 18, wherein the body further includes a second fixed assembly (right and left receptacles 300, 302), the battery further includes a second fixed portion (cylindrical prong 420) corresponding to the second fixed assembly, and the battery is positioned on the body by the second fixed assembly and the second fixed portion (Col. 5, line 65-Col. 6, line 12 and Figures 3 & 4).

Regarding Claims 11 and 23, Weissshappel discloses the mobile phone as claimed in claim 7 and the device as claimed in claim 21, wherein the body further includes a battery bay (lower rear surface 120) for receiving the battery, and the first fixed assembly (300) and the second fixed assembly (302) are located at opposite corners of the battery bay (Figures 2 and 3).

Regarding Claim 14, Weissshappel discloses the mobile phone as claimed in claim 1, wherein the body includes a first connector, the battery includes a second connector corresponding to the first connector, and the battery is electrically connected to the body by the first connector contacting the second connector (Col. 6, lines 24-49; Col. 10, lines 58-61 and Figures 2 & 4).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5, 8, 19 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weissshappel in view of Inubushi et al. (Inubushi), U.S. Patent No. 5,548,824.

Regarding Claims 5 and 19, Weissshappel discloses the mobile phone as claimed in claim 4 and the device as claimed in claim 18 as described above.

Weissshappel fails to disclose wherein the first fixed assembly comprises: a ball abutted by the first fixed portion in an elastic manner; and a first elastic member, connected to the ball, for moving the ball in a predetermined range.

In a similar field of endeavor, Inubushi discloses a portable radio communication device housing having a battery storage unit. Inubushi further discloses wherein the first fixed assembly comprises: a ball abutted by the first fixed portion in an elastic manner; and a first elastic member (shaft spring 51), connected to the ball, for moving the ball in a predetermined range (Col. 9, lines 28-44; Col. 9, line 56-Col. 10, line 9 and Figures 17A & 18).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Weissshappel according to Inubushi for an elastic body or device that recovers its original shape when released for a simple, easy to use and inexpensive latching mechanism.

Regarding Claims 8 and 22, Weissshappel discloses the mobile phone as claimed in claim 4 and the device as claimed in claim 18 as described above.

Weissshappel fails to disclose wherein the second fixed assembly comprises: a stopper abutted by the second fixed portion in an elastic manner; and a second elastic member, connected to the stopper, for moving the stopper in a predetermined range.

Inubushi discloses wherein the second fixed assembly comprises: a stopper abutted by the second fixed portion in an elastic manner; and a second elastic member (positioning spring 54), connected to the stopper, for moving the stopper in a predetermined range (Col. 9, lines 28-44; Col. 9, line 56-Col. 10, line 9 and Figures 17A, 17B & 18).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Weissshappel according to Inubushi for an elastic body or device that recovers its original shape when released for a simple, easy to use and inexpensive latching mechanism.

6. Claims 6 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weissshappel in view of Mortenson et al. (Mortenson), U.S. Publication No. 2005/0046567.

Regarding Claims 6 and 20, Weissshappel discloses the mobile phone as claimed in claim 4 and the device as claimed in claim 18 as described above.

Weissshappel fails to disclose wherein both the first fixed assembly and the first fixed portion are magnets respectively.

In a similar field of endeavor, Mortenson discloses a method and system for utilizing multiple sensors for monitoring container security, contents and condition. Mortenson further discloses wherein both the first fixed assembly and the first fixed portion are magnets respectively [0109].

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Weissshappel according to Mortenson for providing a fast and easy attaching and detaching means that requires very little force from the user.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weissshappel and Inubushi in view of Phelps, III et al. (Phelps, III), U.S. Patent No. 5,895,729.

Regarding Claim 9, the combination of Weissshappel and Inubushi discloses the mobile phone as claimed in claim 8 as described above.

The combination fails to disclose wherein the second fixed portion is a ratchet.

In a similar field of endeavor, Phelps III discloses a battery latch assembly for two-way radio. Phelps III further discloses wherein the second fixed portion is a ratchet (catches 715) (Col. 4, lines 30-56 and Figures 6 & 7).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Weissshappel and Inubushi according to Phelps III to use a mechanism for allowing a connection in only one direction so as to provide for a tight, snug and reliable fit.

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weissshappel in view of Phelps III.

Regarding Claim 10, Weissshappel discloses the mobile phone as claimed in claim 7 as described above.

Weissshappel fails to disclose wherein the second fixed assembly is a cantilever.

Phelps III discloses wherein the second fixed assembly is a cantilever (latch member 260)(Col. 2, line 64-Col. 3,line 8 and Figures 2 & 7).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Weissshappel according to Phelps III to have a latch member to properly and tightly support thereby providing a reliable system.

9. Claims 12, 13, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weissshappel in view of Chou, U.S. Publication No. 2002/0111189.

Regarding Claims 12 and 24, Weissshappel discloses the mobile phone as claimed in claim 1 and the device as claimed in claim 15 as described above.

Weissshappel fails to disclose wherein the body is formed with a positioning hole, the battery includes a shaft corresponding to the positioning hole, and the battery rotates relative to the body by inserting the shaft into the positioning hole.

In a similar field of endeavor, Chou discloses a cellular telephone with detachable radio. Chou further discloses wherein the body is formed with a positioning hole (29), the battery includes a shaft (39) corresponding to the positioning hole, and the battery rotates relative to the body by inserting the shaft into the positioning hole [0019] and Figure 4.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Weissshappel according to Chou for an easily operable latching

mechanism that provides a more efficient method of assembly which results in a decreased assembly time.

Regarding Claims 13 and 25, Weissappel discloses the mobile phone as claimed in claim 1 and the device as claimed in claim 15 as described above.

Weissappel fails to disclose wherein the body is formed with a shaft, the battery includes a positioning hole corresponding to the shaft, and the battery rotates relative to the body by inserting the shaft into the positioning hole.

Although Chou fails to disclose wherein the body is formed with a shaft and the battery including a position hole, it would have been obvious to a person of ordinary skill in the art, at the time of the invention, to interchange the parts (29 and 39) for carrying out the same functions as disclosed by Chou mentioned above.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Zurek et al., U.S. Patent No. 4,912,602 discloses a mechanical fastening system for an electronic equipment housing.

Kuwayama et al., U.S. Patent No. 5,665,485 discloses a splashproof construction for portable type electronic device.

Wu, U.S. Patent No. 5,926,545 discloses a battery holder.

Beutler et al., U.S. Patent No. 5,933,330 discloses a portable radiotelephone arrangement having a battery pack and a detachable battery.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shantell Portis whose telephone number is 571-272-0886. The examiner can normally be reached on Monday-Friday 7:00am-3:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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SLP


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